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October 9, 2018

FILE NO: 68026.6

Via Electronic Case Filing

Hon. Steven I. Locke, U.S.M.J.
United States District Court
for the Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Capricorn Management Systems, Inc. v. GEICO, et al.*
Case No. 2:15-cv-02926-DRH-SIL

Dear Judge Locke:

This firm represents defendant Government Employees Insurance Company (“GEICO”) in the subject civil action. We write on behalf of GEICO and defendant Auto Injury Solutions, Inc. (“AIS”) (together, “Defendants”) to request a two-week extension of the time for filing their reply briefs and a five-page expansion of the page limit for one of the briefs.

Judge Hurley referred potentially dispositive motions to Your Honor by a docket order dated June 7, 2018. Your Honor then entered a briefing schedule providing 6 weeks for opening and opposition briefs and 4 weeks for reply briefs. Docket no. 97. Under the Bundle Rule, all of the motion papers are currently due to be e-filed with the Court on Tuesday, October 23rd.

The opposition papers served by plaintiff Capricorn Management Systems, Inc. (“Capricorn”) include 9 new declarations, 198 statements of allegedly material facts (more than *double* the number of undisputed facts stated in Defendants’ motion), and more than 200 exhibits—a total of **over 3,300 pages** plainly intended to manufacture a dispute of fact through sheer volume if not genuine substance. Most of the exhibits selected by Capricorn are Defendants’ confidential documents produced in discovery and so will require Defendants to prepare a lengthy Motion to Seal in addition to the reply briefs themselves.

To effectively analyze and respond to Capricorn’s voluminous opposition, and to prepare the accompanying Motion to Seal, Defendants respectfully request that the deadline for filing their reply briefs be extended by two weeks through **Tuesday, November 6th**, and that the page limit for Defendants’ reply in connection with their Motion for Summary Judgment only be extended by 5 pages to a total of **15 pages**.



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Counsel met and conferred by telephone regarding this request on Monday morning and again on Tuesday afternoon this week. Despite the fact that all counsel have routinely extended to each other the professional courtesy of short extensions throughout this litigation, Capricorn opposes this request.

For the reasons stated above, Defendants respectfully ask that Your Honor grant this request for short extensions of time and length.

Thank you for your continuing consideration in this matter.

Respectfully,

/s/ Joseph J. Saltarelli

Joseph J. Saltarelli

cc: Counsel of Record (via CM/ECF)